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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: EINAT4.1C

In re Application of: )  
Paz EINAT et al )  
Appln. No.: 09/802,472 )  
Filed: March 9, 2001 )  
For: SEQUENCES CHARACTERISTIC )  
OF HYPOXIA-REGULATED GENE )  
TRANSCRIPTION )

Conf. No.: 7736  
Art Unit: 1637  
Examiner: Young Kim  
Washington, D.C.  
September 19, 2005

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, Mail Stop AF  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated April 20, 2005, of the Primary Examiner. The claims appealed are claims 9, 13 and 15-17.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

XXX \$500.00  
\$250.00 (small entity)  
Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity Response Filed Within	Other Than Small Entity Response Filed Within
[ ] First - \$ 60.00	[ ] First - \$ 120.00
[ ] Second - \$225.00	[X] Second - \$ 450.00
[ ] Third - \$510.00	[ ] Third - \$1020.00
month after time period set	month after time period set

[X] Less fees (\$450.00) already paid for 2 months extension of time on 09/19/05.

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 500.00.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

09/20/2005 SZEWDIE1 00000118 09802472

01 FC:1401 500.00 DP

Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528

09/21/2005 SZEWDIE1 00000001 024035 09802472

01 FC:1252 450.00 DA

Respectfully submitted,  
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Attorneys for Applicant(s)

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